

REMARKS

Reconsideration of the issues raised in the above referenced Office Action is respectfully solicited.

Applicants appreciate the indication of allowance subject matter in Claims 17-19 and 21-24.

The rejection of Claims 1-3 and 5-10 under 35 USC §112, second paragraph, as failing to set forth the subject matter which Applicants regard as their invention has been considered.

The rejection indicates that the claimed language is "vague to follow through in according to Figures 6-8 as suggested by Applicants". The rejection appears to rely on the reference to Figures 6-8 in Applicants' remarks as providing a different scope than Claim 1. Applicants do not state that the invention of Claim 1 corresponds to Figures 6-8. Figures 6-8 are merely an "example" of an embodiment within the scope of Claim 1. Thus Applicants are not limiting Claim 1 to the embodiments of Figures 6-8 in the Remarks. The example is provided merely to show that there is a basis for the amended claims in the original specification and drawings. Therefore, the scope that Applicants regard to be the invention with respect to Claim 1 corresponds to the language therein and specifically to "at least a part of the surface material of the advertisement region comprises a see through material for enabling reading of printed information provided on a surface of a separate tag that the label is attached to".

Moreover, other embodiments of the invention, such as the embodiment illustrated in Applicants' Figure 9, are also within the scope of Claim 1. Figure 9 shows advertisement regions 205, 207 and a price indication region 206.

Applicants' independent Claim 9 recites essentially the same phrase discussed above with respect to independent Claim 1. Therefore Claim 9 is believed definite for the reasons set forth above with respect to Claim 1.

In view of the above comments, reconsideration and withdrawal of the rejection of Claims 1-3 and 5-10 under 35

USC §112, second paragraph, as failing to set forth a subject matter which Applicants regard as their invention, is respectfully requested.

Further, Claims 1 and 9 have been amended to ensure that the claims are not considered "vague" as set forth in the Office Action. The amendments do not significantly change the scope of the claims. Reciting an "at least partially transparent" label body simply emphasizes the already recited see through material of the advertisement region. Therefore, Claims 1 and 9 are not changed significantly in scope and examination thereof is respectfully requested.

Likewise, Claim 12 has been amended to merely clarify the claimed elements. For example, amended lines 7-9 now simply positively recite viewing of printed information. Further, amended line 15 simply confirms that the label body is a part of the price indication label. Thus the amendments to Claim 12 merely clarify the claimed invention and do not require further search and/or consideration.

The amendment to Claim 24 merely corrects an informality therein.

In view of the above comments, entry of the amendment is respectfully requested.

The rejection of Claims 1-3, 6, 7, 9-11, 13, 14 and 16 under 35 USC §102(b) as being anticipated by Mehta, U.S. Patent 5 810 397 has been considered.

Mehta discloses a thermally imagable business record such as a label or tag that is provided with a substrate having a thermally imagable coating on substantially an entire surface to form a first color when activated. The substrate also has desensitized areas that can be overcoated with a thermally imagable coating capable of forming a different color upon activation than the first thermally imagable coating. Figure 1 of Mehta shows a substrate 12 and a thermally imagable coating 18 thereon, along with a desensitizing composition 20, barrier coating 22 and a different thermally imagable coating 24 provided in a separate section 28 separate from section 26

of the label. Figure 4A shows an adhesive 42 and a release liner 44 for the labels.

Applicants' Claim 1 recites a price indication label wherein "at least a part of the surface material of the advertisement region comprises a see through material for enabling reading of printed information provided on a surface of a separate tag that the label is attached to".

The Office Action broadly interprets a "see through material" for enabling reading printed information on a surface that the label is attached to for enabling reading of printed information such as "Bremerton's Fashion" and/or "On Sale" as illustrated in Figure 2 of Mehta.

Applicants' traverse the above statement. The indicia illustrated in region 28 of the label 10 of Mehta is a part of the label itself and is not provided on a surface that the label is "attached to". The broad interpretation set forth in the rejection ignores the entire phrase of "enabling reading of printed information provided on a surface of a separate tag that the label is attached to". Thus, any see through material or coating, if present in Mehta, does not provide the function or arrangement recited in Applicants' Claim 1.

Moreover, column 5, lines 35-44 of Mehta discloses paper or synthetic film substrates. The paper substrate clearly is not partially transparent and there is no disclosure that the synthetic substrate is at all transparent, much less "see through".

For the above reasons, independent Claim 1, and Claims 2, 3, 6 and 7 dependent therefrom, are not anticipated by Mehta.

Applicants' method Claim 9 also recites that "at least a part of the label body in the advertisement region comprises a see through material for enabling viewing of printed information provided on a surface of a separate tag, and attaching the label to the tag allowing viewing of printed information therethrough". Thus, Claim 9 is allowable for the reasons set forth above with respect to Claim 1.

Moreover, Claim 9 positively recites the step of "attaching the label to the tag". Mehta, on the other hand, merely illustrates a label having an advertisement region and a price indication region. There is no disclosure or suggestion of attaching the label of Mehta to a separate tag, much less allowing viewing of printed information on such a separate tag through the label.

For the above reasons, Claim 9, and Claim 10 dependent therefrom, are not anticipated by Mehta.

Applicants' independent method Claim 13 recites the step of "folding a part of the advertisement region toward a back surface of the label body in order to glue to the back surface". There is no disclosure or suggestion of folding a part of the advertisement region of Mehta toward a back surface of the label body in order to glue to the back surface. Mehta, instead shows a pressure sensitive adhesive 42 in Figures 5 and 6 that is simply utilized to affix the entire label to a surface of an object. Figure 6 of Mehta shows a ground delivery sticker along with a bar code sticker.

Mehta does not disclose or suggest any type of folding of the sticker including an adhesive along any part of the back surface thereof. Thus, Mehta differs entirely from Applicants' embodiment recited in Claim 13 and illustrated, for example, in Figure 8.

Moreover, the mere possibility that the label 10 of Mehta is capable of being folded, does not evidence any teaching or reason for performing such a step. Thus, Mehta clearly cannot anticipate Applicants' Claim 13.

For the above reasons, Claim 13 is not anticipated by Mehta.

Finally, Claims 11, 14 and 16 have previously been cancelled by the Examiner and thus can no longer be rejected.

The rejection of Claims 5, 12, 15 and 20 under 35 USC §103 as being unpatentable over Mehta in view of Watanabe, JP Pub. No. 2001-154584 has been considered.

Applicants' independent Claim 12 recites a method for applying a price indication label, the label including "a transparent advertisement region enabling viewing of printed information therethrough provided on a surface of the merchandise tag". Claim 12 further recites the steps of "aligning the transparent advertisement region with printed information on the merchandise tag" and "attaching the label body of the price indication label to the surface of the merchandise tag so as to enable at least some of the printed information on the surface of the merchandise tag to be viewable through the transparent advertisement region of the price indication label".

Mehta is discussed above. Figures 5 and 6 of Watanabe merely show a label having double dash lines crossing through an item. This arrangement serves as a cancel indication mark for the printed information. Further, Watanabe does not disclose or suggest a transparent advertisement region that permits the viewing of printed information therethrough, much less after a price indication label is attached to a merchandise tag. Instead, Watanabe merely discloses a merchandise tag, as does Mehta.

With respect to Applicants' Claim 12, Mehta and Watanabe do not disclose a transparent advertisement region in a price indication label that is aligned and attached to a merchandise tag to enable viewing of printed information on the merchandise tag therethrough. Instead, Mehta and Watanabe both simply disclose price indication labels that are not attached/joined to another label.

Applicants' Claim 5 recites a price indication label wherein the see through material "has a cancellation indication mark for blocking a portion of the printed information viewable through the see through material when attached to a tag". As discussed above, the applied prior art does not include a price indication label that is attached to a separate tag, much less a see through material that has a cancel indication mark thereon to block a portion of printed

information viewable therethrough. Watanabe merely discloses a price indication with strike-out lines.

Claim 15 has been cancelled and thus will not be discussed herein.

Applicants' independent Claim 20 recites a price indication label including "a transparent label body with first and second opposing faces". It is unclear what elements in either Mehta or Watanabe comprise the transparent label body with first and second opposing faces. The label body of Mehta and Watanabe, if having any transparent surface, which Applicants' do not admit, do not have a transparent label body with first and second opposing faces. Further, Applicants' Claim 20 recites a price modification display region with "a modification mark at the second face". As discussed above, a transparent body combined with a modification mark is not present in Mehta and Watanabe. Watanabe merely discloses a strike out line through a price that is not provided with or on a transparent body.

Finally, Claim 20 recites that "the first portion of said second face of said transparent label body permits viewing of a merchandise tag price on a separate merchandise tag aligned with the first portion, except for the modification mark that is superimposed over the merchandise tag price". As discussed above, the applied prior art does not disclose or suggest providing a portion of a label that permits viewing therethrough, much less providing viewing except for a modification mark that is superimposed over the merchandise tag price.

The Office Action indicates that it would have been obvious to incorporate double dash lines crossing through an item to further provide the user the history of the information printed on the labels. The rejection, however, confuses a single label having a strike-out price with a label that is to be combined with a separate merchandise tag. The applied prior art does not include a separate merchandise tag as discussed above, much less a transparent label body

enabling viewing therethrough of a part of the separate merchandise tag, except for a modification mark.

For the above reasons, Claims 5, 12 and 20 distinguish the applied prior art.

The rejection of Claim 8 under 35 USC §103 as being unpatentable over Mehta in view of Sugita, JP Publication No. 407160200 has been considered.

Applicants' Claim 8 is believed allowable for the reasons set forth above with respect to independent Claim 1.

For the above reasons, entry of the amendments and reconsideration and allowance of Claims 1-3, 5-10, 12, 13 and 17-24 is respectfully requested.

Further and favorable reconsideration is respectfully solicited.

Respectfully submitted,



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